World Leaders Ignore Law

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Contact Editor Eli E. Hertz, 04/10/10 20:26

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The U.S. Administration, the European Union, the United Nations, and Russia made the decision to rewrite history by labeling the Territories 'Occupied Territories,' the Settlements as an 'Obstacle to Peace' and 'Not Legitimate,' thus endowing them with an aura of bogus statehood and a false history. The use of these dishonest loaded terms, empowers terrorism and incites Palestinian Arabs with the right to use all measures to expel Israel.

The Jewish People's Right to the Land of Israel:

1. The "Mandate for Palestine" & the Law of War

United Nations Secretary-General Ban Ki-moon, United States Secretary of State Hillary Clinton, and the European Union Foreign Affairs Chief Catherine Ashton became victims of the 'Occupation' mantra their own organization has repeated over and over in its propaganda campaign to legitimize the Arab position.

Continuous pressure from the "Quartet" (U.S., the European Union, the UN and Russia) to surrender parts of the Land of Israel are contrary to international law as stated in the "Mandate for Palestine" document, that firmly call to "encourage ... close settlement by Jews on the land, including State lands and waste lands not required for public purposes." It also requires "seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of the government of any foreign power."

Any attempt to negate the Jewish people's right to Palestine - Eretz-Israel, and to deny them access and control in the area designated for the Jewish people by the League of Nations is a serious infringement of international law.

2. International Law - The "Mandate for Palestine"

The "Mandate for Palestine" an historical League of Nations document, laid down the Jewish legal right under international law to settle anywhere in western Palestine, the area between the Jordan River and the Mediterranean Sea, an entitlement unaltered in international law. Fifty-one member countries - the entire League of Nations - unanimously declared on July 24, 1922:

"Whereas recognition has been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country."

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Congress assembled: That the United States of America favors the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing shall be done which should prejudice the civil and religious rights of Christian and all other non-Jewish communities in Palestine, and that the holy places and religious buildings and sites in Palestine shall be adequately protected." [italics in the original]

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3. Law of War - **Arab Unlawful Acts of Aggression in 1948**

Six months before the War of Independence in 1948, Palestinian Arabs launched a series of riots, pillaging, and bloodletting. Then came the invasion of seven Arab armies from neighboring states attempting to prevent the establishment of a Jewish state in accordance with the UN's 1947 recommendation to Partition Palestine, a plan the Arabs rejected.

The Jewish state not only survived, it came into possession of territories - land from which its adversaries launched their first attempt to destroy the newly created State of Israel.

Israel's citizens understood that defeat meant the end of their Jewish state before it could even get off the ground. In the first critical weeks of battle, and against all odds, Israel prevailed on several fronts.

The metaphor of Israel having her back to the sea reflected the image crafted by Arab political and religious leaders' rhetoric and incitement. Already in 1948 several car bombs had killed Jews, and massacres of Jewish civilians underscored Arab determination to wipe out the Jews and their state.

6,000 Israelis died as a result of that war, in a population of 600,000. One percent of the Jewish population was gone. In American terms, the equivalent is 3 million American civilians and soldiers killed over an 18-month period.

Israel's War of Independence in 1948 was considered lawful and in self-defence as may be reflected in UN resolutions naming Israel a "peace loving State" when it applied for membership at the United Nations. Both the Security Council (4 March, 1949, S/RES/69) and the UN General Assembly (11 May, 1949, (A/RES/273 (III)) declared:

"[Security Council] Decides in its judgment that Israel is a peace-loving State and is able and willing to carry out the obligations contained in the Charter ..."

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5. Arab Unlawful Acts of Aggression in 1967

In June 1967, the combined armies of Egypt, Syria, and Jordan attacked Israel with the clear purpose expressed by Egypt's President: "Destruction of Israel." At the end of what is now known as the Six-Day War, Israel, against all odds, was victorious and in possession of the territories of Judea and Samaria [E.H., The West Bank], Sinai and the Golan Heights.

International law makes a clear distinction between defensive wars and wars of aggression. More than half a century after the 1948 War, and more than four decades since the 1967 Six-Day War, it is hard to imagine the dire circumstances Israel faced and the price it paid to fend off its neighbors' attacks.

Who Starts Wars Does Matter

Professor, Judge Stephen M. Schwebel, past President of the International Court of Justice (ICJ) states the following facts:

"The facts of the June 1967 'Six Day War' demonstrate that Israel reacted defensively against the threat and use of force against her by her Arab neighbors. This is indicated by the fact that Israel responded to Egypt's prior closure of the Straits of Tiran, its proclamation of a blockade of the Israeli port of Eilat, and the manifest threat of the UAR's [The state formed by the union of the republics of Egypt and Syria in 1958] use of force inherent in its massing of troops in Sinai, coupled with its ejection of UNEF.

"It is indicated by the fact that, upon Israeli responsive action against the UAR, Jordan

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territory was defensive rather than aggressive conquest.

Judge Sir Elihu Lauterpacht wrote in 1968, one year after the 1967 Six-Day War:

"On 5th June, 1967, Jordan deliberately overthrew the Armistice Agreement by attacking the Israeli-held part of Jerusalem. There was no question of this Jordanian action being a reaction to any Israeli attack. It took place notwith-standing explicit Israeli assurances, conveyed to King Hussein through the U.N. Commander, that if Jordan did not attack Israel, Israel would not attack Jordan.

"Although the charge of aggression is freely made against Israel in relation to the Six-Days War the fact remains that the two attempts made in the General Assembly in June-July 1967 to secure the condemnation of Israel as an aggressor failed. A clear and striking majority of the members of the U.N. voted against the proposition that Israel was an aggressor."

Israel Has the Better Title to the Territory of What Was Palestine, Including the Whole of Jerusalem

International law makes it clear: All of Israel's wars with its Arab neighbors were in self-defence.

Professor, Judge Schwebel, wrote in What Weight to Conquest:

"(a) a state [Israel] acting in lawful exercise of its right of self-defense may seize and occupy foreign territory as long as such seizure and occupation are necessary to its self-defense;
"(b) as a condition of its withdrawal from such territory, that State may require the institution of security measures reasonably designed to ensure that that territory shall not again be used to mount a threat or use of force against it of such a nature as to justify exercise of self-defense;
"(c) Where the prior holder of territory had seized that territory unlawfully, the state which subsequently takes that territory in the lawful exercise of self-defense has, against that prior holder, better title.
"... as between Israel, acting defensively in 1948 and 1967, on the one hand, and her Arab neighbors, acting aggressively, in 1948 and 1967, on the other, Israel has the better title in the territory of what was Palestine, including the whole of Jerusalem, than do Jordan and Egypt."

"No legal Right Shall Spring from a Wrong"

Professor Schwebel explains that the principle of "acquisition of territory by war is inadmissible" must be read together with other principles:

"... namely, that no legal right shall spring from a wrong, and the Charter principle that the Members of the United Nations shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State."

Simply stated: Arab illegal aggression against the territorial integrity and political independence of Israel, cannot and should not be rewarded.

Professor Julius Stone, a leading authority on the Law of Nations, stated:

"Territorial Rights Under International Law.... By their [Arab countries] armed attacks against the State of Israel in 1948, 1967, and 1973, and by various acts of belligerency throughout this period, these Arab states flouted their basic obligations as United Nations members to refrain from threat or use of force against Israel's territorial integrity and political independence. These acts were in flagrant violation inter alia of Article 2(4) and paragraphs (1), (2), and (3) of the same article."

Thus, under international law Israel acted lawfully by exercising its right to self-defence when it redeemed and legally reoccupied Judea and Samaria, known also as the West Bank.

Legalities aside, before 1967 there were no Jewish settlements in the West Bank, and for the first ten years of so-called occupation there were almost no Jewish settlers in the West Bank. And still there was no peace with the Palestinians. The notion that Jewish communities pose an obstacle to peace is a red herring

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